R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 6A, 6B, and 11A-12B, and in the specification as originally filed, for example, on page 12, line 15 through page 13, line 18, page 26, line 1-28, and page 31, lines 12-25. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 83-86 and 88-100 under 35 U.S.C. §102(e) as being anticipated by LaPointe et al. (U.S. Patent No. 6,678,669; hereinafter LaPointe) has been obviated by amendment and should be withdrawn.

LaPointe concerns method for selecting medical and biochemical diagnostic tests using neural network-related applications (Title of LaPointe).

In contrast, the present invention provides a method for generating groups of individuals useful in researching influence of a disease on said individuals, comprising (i) transmitting a computer program containing queries to the communications

apparatus, where the computer program when executed causes the communications apparatus to present the queries to each individual and collect responses to the queries from each individual and (ii) receiving the responses to the queries from the individuals through the apparatus, where the responses communicate information about the individuals. Claims 90 and 94 include similar limitations. LaPointe does not disclose or suggest each and every element of the presently claimed invention, arranged as in the claims, as required for support of a conclusion of anticipation under MPEP §2131.

Specifically, Applicant's representative has performed an electronic search of LaPointe and found no reference to transmitting a computer program to a communications apparatus, as presently claimed. Furthermore, although LaPointe mentions questionnaires for obtaining patient history, the person whose history the questionnaire covers (i.e., the patient) does not appear to be the person who fills out the questionnaire and LaPointe appears silent regarding a computer program being transmitted to a communication apparatus and causing the communication apparatus to present the questionnaire when the program is executed. Therefore, LaPointe does not disclose or suggest each and every element of the presently claimed invention, arranged as in the claims, as required for support of a conclusion of anticipation under MPEP §2131. As such, the presently claimed

invention is fully patentable over the cited reference and the rejection should be withdrawn.

New claims 101-103 depend, directly or indirectly, from claim 83 which is believed to be allowable. As such, claims 101-103 are fully patentable over the cited reference. New claims 101-103 are presented in response to a new ground of rejection presented for the first time in the final Office Action (see page 7 of the final Office Action under the heading "Conclusion"). The addition of claims 101-103 is balanced by the cancellation of claims 84, 91 and 95 without prejudice. Thus, the total number of pending claims remains unchanged.
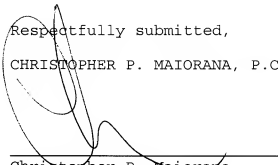
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

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Dated: <u>April 30, 2010</u>

c/o Sandeep Jaggi
Health Hero Network

Docket No.: 00-0220 / 7553.00030